

Committee: Statutory Licensing Sub-Committee

Date of meeting: **27th October 2022 – 9.00 am**

Report Subject: **Licensing Act 2003 – Review of
Premises Licence, The Badminton,
Beaufort Terrace, Ebbw Vale, Gwent.
NP23 5NN**

Report Submitted by: **Miss H Jones**

Report Written by: **Mrs M Bennett**

1. Purpose of the Report

- 1.1 To determine an application for the review of premises licence in respect of The Badminton, Beaufort Terrace, Ebbw Vale, Gwent. NP23 5NN in accordance with the Licensing Act 2003. The application has been submitted by a 'local resident' on 31st August 2022. A location map of the premises is attached as **Appendix 1**.
- 1.2 At the time of receipt of the review application, the Premises Licence Holder and Designated Premises Supervisor (DPS) was Mr Nicholas. Mr Nicholas had been named on the license since 27th September 2016. A licence has been in effect at the premises since 25th March 2010. However, applications to transfer the licence and vary the DPS were submitted to the Council on 22nd September 2022 and the Premises Licence Holder is now Carol Nicholas and the DPS is Abigail Richards.

2. Scope and Background

- 2.1 This report seeks to inform the Sub-Committee of the Licence Review application received and further to allow a Hearing to take place to determine the application in accordance with the Licensing Act 2003. A copy of the application is attached as **Appendix 2**.
- 2.2 The current premises licence, permits licensable activities as follows

The times the licence authorises the carrying out of licensable activities:			
Activity	Day of week	Time from	Time to
Live music	Monday to Sunday New Years Eve	11.00 pm 11.00 pm	12.00 Midnight 2.00 am
Recorded Music	Monday to Sunday New Years Eve	11.00 pm 11.00 pm	12.00 Midnight 2.00 am
Supply of alcohol	Monday to Sunday New Years Eve	11.00 am 12.00 Midday	12.30 am 2.00 am
The opening hours of the premises:			
Day of the week	Time from	Time to	
Monday to Sunday New Years Eve	11.00 am 12.00 Midday	12.30 am 2.30 am	

*A licence is not required for live music, recorded music, or anything similar to live music, recorded music when the activity takes place between 8am and 11pm to audiences of 500 people or less

In addition to standard mandatory premises licence conditions, the licence is subject to the following conditions –

No persons under the age of 18 are to be permitted on to the premises unless accompanied by a parent or legal guardian

Challenge 21 will be in operation on the premises

Staff will be trained on under age sales procedures e.g, ID's and the challenge 21 policy including Trading Standards

under age sales training pack prior to commencing sales of alcohol.

Photo Driving Licences and PASS accredited ID cards will be accepted to prove a prospective purchasers age.

The Licensee shall ensure that no noise, odour or light shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.

Clearly legible notices shall be displayed at all exits from the premise requesting public, and staff to respect the needs of local residents and to leave the premise and area quietly.

At times when regulated entertainment is provided and/or provision for entertainment facilities is made within the licensed premises all external openings to the licensed premises must be kept closed, save for the purposes of entering and exiting the premises.

No form of loudspeaker or sound amplification equipment shall be sited in or near any foyer, doorway, window or any external opening of the licensed premises.

Patrons will not be permitted to use external areas of the licensed premises between the hours of 10.00pm through 10.00am Monday to Sunday inclusive other than for the purposes of arrival, departure or use of a designated smoking area. Where the Licensee intends to designate a smoking area a plan indicating its location must be submitted to the Licensing Authority for approval by the Local Authorities Environmental Health Department prior to use.

Appropriate waste receptacles for the receipt of tobacco waste shall be provided in all designated smoking areas to the licensed premises.

- 2.3 In accordance with the Licensing Act 2003, the Licensing Authority has served copies of the application on the following Responsible Authorities, in addition to the licence holder:-

Gwent Police, South Wales Fire and Rescue Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement, Planning, Environmental Health, Social Services departments, the Aneurin Bevan Health Board, Home Office

- 2.4 A notice of the application was displayed at the Council's Licensing Offices, and advertised on the Council's website. In addition, a notice of the application was displayed at the premises for 28 days to enable 'other persons', i.e. local residents and businesses, to make representations by 9th October 2022.
- 2.5 No representations were received from Gwent Police, South Wales Fire and Rescue Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement, Planning, Social Services departments, the Aneurin Bevan Health Board, Home Office. In addition, no representations were received by 'other persons' or businesses.
- 2.6 The Council's Environmental Protection Team has been dealing with a noise complaint from the review applicant in relation to the premises which was received on the 21st June 2022.

The complainant completed log sheets as requested for the period of the 23rd June to the 3rd July 2022. During this period, 7 incidents were logged in total, alleging issues with loud voices, swearing, shouting and loud music. The complainant was also given access to The Noise App to make recordings of the alleged noise. Between the 11th June to the 3rd September, the applicant made 7 recordings consisting of loud voices, shouting and swearing. However, the evidence provided to date is insufficient for Environmental Health to prove that a Statutory Nuisance exists and the complaint is now considered closed. Consideration was also given to the length of time the case has been open for and the amount of evidence gathered over this period, being the 21st June to the 6th October 2022.

- 2.7 In considering this application, the sub-committee must take account of the provisions in the Licensing Act 2003 in particular, the licensing objectives which are:-
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance

- The protection of children from harm.

2.8 Section 51 of the Licensing Act 2003, the Guidance issued under the Licensing Act 2003 and the Council's licensing policy, must be taken into account when considering this application.

3 Options for Recommendation

3.1 The options available to the sub-committee are:

1. to modify the conditions of the premises licence, or
2. to remove a licensable activity from the scope of the premises licence; or
3. to suspend the premises licence for a period not exceeding three months, or
4. to revoke the premises licence; or
5. take no action.

3.2 Background Documents /Electronic Links

- Appendix 1 – location map of premises
- Appendix 2 – Application for the review